



February 19, 2014

---

---

# ENGROSSED HOUSE BILL No. 1057

---

DIGEST OF HB 1057 (Updated February 18, 2014 9:51 am - DI 84)

**Citations Affected:** IC 8-6.

**Synopsis:** Unobstructed views at railroad crossings. Requires the Indiana department of transportation (INDOT) to adopt rules concerning distances for maintaining an unobstructed view within (rather than from) a railroad right-of-way. Provides that a rule adopted by INDOT concerning distances for unobstructed views within railroad rights-of-way replaces any common law duties imposed on a railroad with respect to the distances established under the rule.

**Effective:** July 1, 2014.

---

---

## Slager, Bacon, DeLaney

(SENATE SPONSORS — BRAY, ARNOLD J)

---

---

January 7, 2014, read first time and referred to Committee on Roads and Transportation.

January 9, 2014, amended, reported — Do Pass.

January 13, 2014, read second time, ordered engrossed.

January 14, 2014, engrossed. Read third time, passed. Yeas 91, nays 2.

### SENATE ACTION

February 4, 2014, read first time and referred to Committee on Homeland Security, Transportation, and Veterans Affairs.

February 18, 2014, reported favorably — Do Pass.

---

---

EH 1057—LS 6754/DI 103





February 19, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1057

---

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 8-6-7.6-1.1, AS ADDED BY P.L.2-2013,  
2       SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2014]: Sec. 1.1. **(a)** The Indiana department of transportation  
4       shall adopt rules under IC 4-22-2 to do the following:

5               (1) Establish ~~minimum distances to~~ **distances at** which a railroad  
6               must maintain, for the benefit of operators of licensed motor  
7               vehicles, an unobstructed view ~~from within~~ the railroad  
8               right-of-way at a public railroad crossing that is under the control  
9               of the railroad. In establishing ~~minimum~~ distances under this  
10              subdivision, the Indiana department of transportation shall take  
11              into account safety measures in place at a public crossing,  
12              including train activated warning devices and federal railroad  
13              track classifications.

14              (2) Provide exceptions to ~~minimum~~ distances required under  
15              subdivision (1) based on variances in terrain, elevations, track  
16              curvature, and permanent improvements at or near a public

EH 1057—LS 6754/DI 103



1 crossing.

2 (3) Develop a method to determine and verify ~~a minimum~~  
3 ~~distance~~ **distances** required under subdivision (1). The method  
4 must:

5 (A) be consistent with accepted engineering practices; and

6 (B) produce results capable of replication.

7 **(b) A rule adopted under subsection (a) replaces any common**  
8 **law duties imposed on a railroad with respect to distances**  
9 **established or methods of verification developed under the rule.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1057, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, after "verify" strike "a".

Page 2, line 3, strike "distance" and insert "**distances**".

Page 2, line 6, delete "abrogates" and insert "**replaces**".

Page 2, line 7, delete "the subject matter" and insert "**distances established or methods of verification developed under**".

Page 2, line 8, delete "of".

and when so amended that said bill do pass.

(Reference is to HB 1057 as introduced.)

SOLIDAY, Chair

Committee Vote: yeas 11, nays 0.

---

 COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation, and Veterans Affairs, to which was referred House Bill No. 1057, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1057 as printed January 10, 2014)

Committee Vote: Yeas 6, Nays 0

Senator Wyss, Chairperson

EH 1057—LS 6754/DI 103

